

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

CHARLES MICHAEL SHELTON, )  
                               )  
Plaintiff,                 ) Case No.: 4:11-cv-00045  
                               )  
v.                         )  
                               )  
DANVILLE POLICE DEPT., OFFICER ) By: Hon. Jackson L. Kiser  
ROBBIE PAYNE, S. OAMAR, and     ) Senior United States District Judge  
SPEED WAY MART,                 )  
                               )  
Defendants.                 )

Before me is Defendant Danville Police Dept.'s ("DPD") and Defendant Officer Robbie Payne's ("Payne") Motion to Dismiss ("the Motion") [ECF No. 23]. For the reasons stated in the accompanying Memorandum Opinion, I will **GRANT** the Motion and **DISMISS** DPD and Payne from this action. Pursuant to Rule 12, however, dismissing the government entities divests this Court of jurisdiction over the remaining parties. Therefore, I will also **DISMISS** Defendants Qamar and Speed Way Mart, and **DISMISS** this action in its entirety. All other pending motions are likewise **DISMISSED**.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to all counsel of record and to all *pro se* parties.

Entered this 8<sup>th</sup> day of May, 2012.

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s/Jackson L. Kiser  
SENIOR UNITED STATES DISTRICT JUDGE